

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LESLIE MOORE,

Defendant.

Case No. 00-CR-80996

Honorable Nancy G. Edmunds

ORDER DENYING DEFENDANT'S MOTION FOR EXPUNGEMENT [9]

This matter came before the Court on Defendant Leslie Moore's pro se motion for expungement. She seeks an expungement on the basis that she has "applied for a government position with the USDA as a food inspector" and the only hold up is a background criminal record search. Defendant argues that she has been "a stand up citizen who pays taxes and student loans without penalties" since her criminal conviction. Since her conviction, she has earned a Masters Degree with an overall GPA of 3.5. Essentially, Defendant asks the Court to grant her motion on equitable grounds.

The Sixth Circuit has recognized that "it is within the inherent equitable powers of a federal court to order the expungement of criminal records in an appropriate case." *United States v. Doe*, 556 F.2d 391, 393 (6th Cir. 1977). The Sixth Circuit, however, cautioned that "the expungement power is narrow and appropriately used only in extreme circumstances," and that "federal courts have most readily invoked the expungement power with respect to illegal convictions, convictions under statutes later deemed unconstitutional, and convictions obtained through governmental misconduct." *United States v. Robinson*,

No. 86-80373, 1996 WL 107129, **1-2 (6th Cir. Mar. 8, 1996) (citing cases). Drawing on a number of decisions from other federal courts of appeals, the Sixth Circuit found that “courts have uniformly denied expunction requests regarding valid convictions.” *Id.* at *2 (citing cases). Thus, in a case presenting a similar motion for expungement, the court concluded that “petitioner[] must put forth much more compelling and extraordinary circumstances than those relied upon by [the petitioner].” *Id.*

If what Defendant says is true, the Court commends her for her commitment to leading a law-abiding life and contributing to society. But, for the reasons explained in *Robinson*, this Court DENIES Defendant’s motion for expungement.¹

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: April 22, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 22, 2010, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager

¹The Court notes that it is within the authority of the President of the United States to grant clemency and expunge a federal criminal record. The prospects of such relief may be remote, and this Court cannot endorse Petitioner’s request, but Petitioner may explore the possibility at <http://www.usdoj.gov/pardon/clemency.htm>, or contact the Office of the Pardon Attorney, U.S. Department of Justice, 1425 New York Avenue, NW, Suite 1100, Washington, D.C. 20530, tel.: (202) 616-6070.